

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSEPH DURAN,

Plaintiff,

v.

CELINE CERVANTES, et al.,

Defendants.

No. 2:20-CV-0320-KJM-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by Eastern District of California local rules.

On May 27, 2021, the Magistrate Judge filed findings and recommendations, which were served on the parties and which contained notice that the parties may file objections within the time specified therein. No objections to the findings and recommendations have been filed.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate]

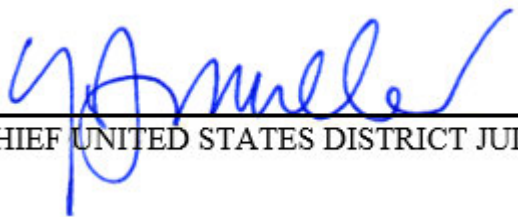
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1 court . . .”). Having reviewed the file, the court finds the findings and recommendations to be
2 supported by the record and by the proper analysis.¹

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations filed May 27, 2021, are adopted in full;
5 2. This action is dismissed without prejudice for lack of prosecution and
6 failure to comply with court rules and orders; and
7 3. The Clerk of the Court is directed to enter judgment and close this file.

8 DATED: September 27, 2021.

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11 CHIEF UNITED STATES DISTRICT JUDGE
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27 ¹ On November 1, 2020, the Magistrate Judge warned plaintiff that failure to file an amended complaint within the
28 time provided may be grounds for dismissal of this action. *See* MJ Order (Nov. 2, 2020) at 3, ECF No. 14 (citing
Ferdik v. Bonzelet, 963 F.2d 1258, 1260–61 (9th Cir. 1992); Local Rule 110).